

I wish to thank the sub-committee for seeking my views in the conduct of enquiry. By way of background I should explain that I am a member of the Liberal Democrats in the House of Lords. During my time in Parliament, I have scrutinized the Prevention of Terrorism Act as a member of the House of Commons/House of Lords Joint Committee on Human Rights and in 2005, I served as a member of Prime Minister Blair's Taskforce on Muslim Extremism.

I would wish the Committee to note however, that I am speaking in a personal capacity and my perspective neither represents the findings of the Extremism Taskforce, nor indeed those of the UK Government.

Explain your understanding of the motives, planning and tactics of the London bomb plotters.

Information on the alleged suspects of the Heathrow bomb plots is on the whole speculative at this stage. We know the identities of most of those arrested but few details other than this have been officially verified. What we do know is that the suspects are mainly of Pakistani origin, are male, and are second generation British citizens.

If the assumption is that these suspects are similar to the July 7th, 2005 (7/7) bombers then we are able to deduce several factors:

Motives: Three of the 7/7 bombers grew up in the same town, were of the same generation, ethnic origin and social background, in an area which suffered from economic deprivation. They were not educational high flyers, and had become religious in the period preceding the events of 7/7. They became radicalized, it is assumed, in the period after 9/11, when intense media attention would have focused on Al Qa'ida and they would have become more aware of arguments about and within the Muslim world, about 'Western' foreign policy.

Their disapproval of US and UK foreign policy was evidently a factor in the radicalization of the 7/7 bombers – we know from videos that two of the four, Mohammed Sadique Khan and Shehzad Tanveer documented their reasons for the bombings by drawing a direct link between the actions of Western governments perpetrating 'atrocities' against Muslims (apparently a reference to the Iraq war), and their suicides.

Planning and Tactics: We will not really gain very much insight into the detailed planning of the alleged 10 August 2006 plots until the suspects are brought to trial. At present it appears likely that this may not happen till late 2007 or 2008. Again, if what we know of the 7/7 bombers is accurate, then small amounts of money (approximately GBP 8,000) and information widely available in open sources, enabled the bomb-making and logistical aspects of the plot. In the recent plots however, it would appear that larger financial sums were involved and that funds were transferred from Pakistan to the UK. This would make sense if significant numbers of transatlantic airline tickets were to be purchased for dry runs and then the operation itself.

If the question is whether the recent suspects were directed from abroad, then, like the 7/7 bombers, it is likely that some element of 'indoctrination' and support could have come from abroad. This is unsurprising. If one wishes to find validation for ANY point of view, it is possible to do through ICT. If you are a Muslim, seeking validation of the view that injustices are being perpetrated against other Muslims collectively, and that tangible acts, however abhorrent, are needed to bring attention to these issues, you will find support. Where there is tacit support, there will undoubtedly be those who will go beyond moral support to provide actual assistance.

Much has been made in the media of British 'homegrown' bombers working with Al Qa'ida operatives in Pakistan. Much has also been made of Pakistan's 'unwillingness' to tackle international terrorism. As the *Official Account of the Bombings in London on 7th July 2006*, published by the British government notes,

Extended visits to Pakistan by young men are not unusual. Many go to visit family, attend schools for Islamic studies and sightsee There were nearly 400,000 visits by UK residents to Pakistan in 2004, of an average length of 41 days.

There is undoubtedly support for the objectives of Al Qa'ida in some small sections of Pakistani society. This low level support exists throughout the Muslim world, as injustices and double standards on the part of the West appear to be ubiquitous in their application to Muslim interests. Turning to Pakistan, where the federal structure specifically restrains the hand of central government in the Federally Administered Tribal Areas, and where medieval structures of tribal governance still exist, the eradication of extremism is going to be a long haul. It will involve education, economic development and a concerted investment on the part of the West in the exercise of 'soft power'. It is not something that the military or governments in Pakistan can change overnight. As an observer of the 2001 parliamentary elections in Pakistan, I note that Western calls for democracy in Pakistan, albeit laudable, delivered two out of four provinces to the religious parties – none of whom have been notable in their support for US interests.

To what extent do British and US laws respectively hinder or help terrorism prevention?

There appears to be a philosophical difference in UK and US approaches to legislation in the period since 9/11. In the UK there is still a strong emphasis on the common law tradition of jurisprudence, which results in a consensus that we probably have sufficient legal instruments in place to counter terrorism, but what we need is to 'up our game' in terms of counter terrorism strategy and practice. In the US there continues to be a debate about the need for more and more legislation to protect against further terrorism.

In the UK, after the controversial passage of the Prevention of Terrorism Act 2005, and the Terrorism Act 2006 (both of which were hotly contested and subsequently amended), there seems to be little appetite for more legislation. Added to two previous comprehensive pieces of legislation, the Terrorism Act 2000 and the Anti-Terrorism, Crime and Security Act 2001, there is also a sense that if we pass further legislation in

this area, it must be accompanied by deliberative scrutiny and evidence taking and cannot be rushed through as the PTA was in 2005. It is therefore likely that if further legislation were to be tabled, it would have to undergo pre-legislative scrutiny and a full evidential process prior to being tabled in Parliament.

An innovation in the UK which the US might wish to emulate is the establishment of an Independent Reviewer of Terrorism Legislation. This post was initially created with respect to Northern Ireland terrorism legislation in 1984, and has been upgraded and recast with the passage of the Terrorism Act 2000 (which was the most comprehensive updating of terrorism legislation in the last 30 years). Subsequently, the Independent Reviewer has been given oversight of all four recent Acts and is currently charged with recommending a definition of 'Terrorism' for the purposes of the Acts.

The UK Independent Reviewer is Lord Carlisle of Berriew, QC. The Secretary of State for Home Affairs publishes an annual report by the Independent Reviewer, who *inter alia* 'makes detailed enquiries of people who use the Act[s], are affected by it, and may see sensitive material'. The effect of having an independent reviewer is that the interested parties have the ability to feed into a non-partisan process of assessment on the provisions of the act. This increases public confidence and provides a measure of how provisions are bedding down in practice, particularly as the reviewer has sight of sensitive material and can seek insights into why certain actions are taken by administrative authorities. His reports are made public and he encourages public feedback and comment.

In terms of US legislation and its effectiveness in terms of terrorism, I believe that US law, and/or the lack of adherence to international law in the US, would not be acceptable in the UK context. In evidence given to the Home Affairs Select Committee (14 February 2006) on the subject of preventative detention, in arguing for greater public information in the UK, Lord Carlisle gave an insight into his view of the US Patriot Act

I think this [greater public awareness] is one of the few things in the area of terrorism legislation that the Americans are better than us. I hasten to add that I think that their legislation, the Patriot Act, for example, would never have got through the two Houses of this Parliament and it probably would have brought a government down, but, in terms of public information, they give much more.

As for the practical issues involving due process, there is a strong view within British opinion that adherence to due process, including criminal proceedings culminating in trial and conviction, is the most suitable way forward. However, while innovations have been adopted such as control orders for the detention of terrorist suspects, the use of Special Advocates and Special Immigration Appeals Commissions and agreements (Memoranda of Understanding) with other countries (to the effect that deported terrorist suspects should not be tortured on return), there continues to be controversy about the difficulty of securing convictions. One such area is the use of intercept (surveillance) evidence in court. UK security services appear to be opposed to its use on the grounds that it would compromise their technology and sources. Those who prefer its use as a means to facilitating trial rather than detention without trial, argue that *in camera* proceedings, the

use of obsolete technology for trial purposes and changes in rules for questioning suspects could be undertaken and merit consideration.

Apropos the recent arrests of terrorist suspects after 10th August 2006, and issues to do with 'acts preparatory to terrorism', there is much interest in whether the wide-ranging offences now available under the Terrorism Act 2006 will be used, and to what extent they will play a part in gaining convictions, if the latter are secured.

In your understanding, to what degree, if at all, has UK foreign policy contributed to what has been called 'homegrown' terrorist activity?

The extent to which the conduct of foreign policy continues to divide the government and the country in Britain cannot be understated. Moreover, for Western Muslims (some 20 million of us), the facts of hypocrisy, the practice of double standards and their contempt for international law as practiced by the US, and to a lesser degree the UK and European countries remains baffling.

However, as my article in The Independent (15th August 2006) indicates, I am skeptical of a **causal** link between UK foreign policy and its 'homegrown' terrorist activity, but rather see a **consequential** link. As the *Report of the Official Account of the Bombings in London on 7th July 2005* suggests, radicalized young British men were traveling to support jihad overseas in the 1990s, at a time when British foreign policy was directed towards assisting Muslims in conflict in Bosnia and subsequently in Kosovo. In November 2000, two British citizens of Bangladeshi origin were arrested in Birmingham on suspicion of preparing a large quantity of homemade explosives. In 2001, a British citizen attempted to blow up a plane en route from Paris to the US. In 2002, a British citizen was arrested for involvement in journalist Daniel Pearl's murder in Pakistan. In 2003, two British citizens traveled to Israel as suicide bombers. These acts, I would argue, were symptomatic of the increasing radicalization of a small section of British Muslim youth. This radicalization has been assisted by the rise of Al Qa'ida – although several extremist groups existed before – and the acts of 9/11 serve to demonstrate to those inclined to take a nihilistic world view, that they too can join the 'glorious martyrs'.

The United Kingdom's unconditional support for the US invasion of Iraq, and the subsequent inability of the UK to positively influence either the reconstruction of Iraq or indeed to leverage the Middle East peace process has had costs in alienating British Muslims from their government. Large sections of domestic public opinion in the UK, and almost all of the UK's 1.7 million Muslims were against its involvement in the Iraq war. This sentiment has grown, as the extent of the false premises on which the war was undertaken has come to light. More recently, in the case of the Israeli invasion of Lebanon, the inability of the UK government to condemn the disproportionate action against Lebanese civilians, stoked more anger towards the Prime Minister, arguably leading to his early resignation.

The question actively asked in the UK now, is what the course of events might be if the UK were to withdraw its forces from Iraq, irrespective of what the US might do. A

consensus is building across the political spectrum that a more 'independent' foreign policy is in the UK's interest. This has recently been confirmed in the Conservative Party's leader's speech of 9/11 last week. The question remains as to whether it will eliminate UK homegrown terrorism. My view is that it will not, but it may well serve to reduce the sense of injustice, and hence alienation, that young British Muslims feel so palpably.

How do UK civil liberties laws compare to those in the US?

The erosion of ancient rights and hard won civil liberties has elicited an ongoing debate in the context of terrorism in the UK. The Labour government won enormous support for its incorporation of the European Convention of Human Rights into UK law in 1998 (The Human Rights Act). However, since the passage of the Terrorism Act 2000, and subsequent legislation, including a derogation from Article 5 of the convention, there has been disappointment that civil liberties are being compromised.

At a constitutional level, cases have been heard by the Judicial Committee of the House of Lords that have curbed the Executive's attempts to curb rights. Famous among these was the ruling of December 2004 which struck down the Government's policy of holding foreign terrorism suspects without charge indefinitely. This was found to be both 'discriminatory' and 'disproportionate', and resulted in the regime of control orders being established. Other cases testing aspects of terrorism legislation are in the pipeline.

There is a view that the public does not wish to see further legislation at this stage but rather wishes to see the security services better resourced and provided with the tools to do their job. This is underway and significant attempts have been made to upgrade intelligence.

I do not wish to comment on the US position vis a vis civil liberties laws in detail, as the constitutional structure and Bill of Rights make it invidious, especially for a non-lawyer. Suffice it to say that the tendency, currently in the US to move away from its obligations in both international law and its own constitutional safeguards is regrettable. The current debates about Executive authority over wire-tapping; over Common Article 3 of the Geneva conventions, and other aspects of the Patriot Act give an external observer, however supportive of the US, cause for concern in the land of 'freedom and justice for all'.

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